

type design complies with the noise requirements in §36.1(d) in addition to the applicable airworthiness requirements in this section. For import airplanes, compliance with this paragraph is shown if the country in which the airplane was manufactured certifies, and the Administrator finds, that §36.1(d) (or the applicable airplane noise requirements of the country in which the airplane was manufactured and any other requirements the Administrator may prescribe to provide noise levels no greater than those provided by compliance with §36.1(d)) and paragraph (c) of this section are complied with.

(2) For normal, utility, acrobatic, commuter, or transport category propeller driven small airplanes (except for those airplanes that are designed for "agricultural aircraft operations" (as defined in §137.3 of this chapter, as effective on January 1, 1966) or for dispensing fire fighting materials to which §36.1583 of this chapter does not apply) that have not had any flight time before the applicable date specified in Part 36 of this chapter, no standard airworthiness certificate is originally issued under this section unless the applicant shows that the type design complies with the applicable noise requirements of Part 36 of this chapter in addition to the applicable airworthiness requirements in this section. For import airplanes, compliance with this paragraph is shown if the country in which the airplane was manufactured certifies, and the Administrator finds, that the applicable requirements of Part 36 of this chapter (or the applicable airplane noise requirements of the country in which the airplane was manufactured and any other requirements the Administrator may prescribe to provide noise levels no greater than those provided by compliance with the applicable requirements of Part 36 of this chapter) and paragraph (c) of this section are complied with.

(f) *Passenger emergency exit requirements.* Notwithstanding all other provisions of this section, each applicant for issuance of a standard airworthiness certificate for a transport category airplane manufactured after October 16, 1987, must show that the airplane

meets the requirements of §25.807(c)(7) in effect on July 24, 1989. For the purposes of this paragraph, the date of manufacture of an airplane is the date the inspection acceptance records reflect that the airplane is complete and meets the FAA-approved type design data.

(g) *Fuel venting and exhaust emission requirements.* Notwithstanding all other provisions of this section, and irrespective of the date of application, no airworthiness certificate is issued, on and after the dates specified in part 34 for the airplanes specified therein, unless the airplane complies with the applicable requirements of that part.

[Amdt. 21-17, 32 FR 14927, Oct. 28, 1967, as amended by Amdt. 21-20, 33 FR 3055, Feb. 16, 1968; Amdt. 21-25, 34 FR 14068, Sept. 5, 1969; Amdt. 21-42, 40 FR 1033, Jan. 6, 1975; Amdt. 21-47, 43 FR 28419, June 29, 1978; Amdt. 21-52, 45 FR 67066, Oct. 9, 1980; Amdt. 21-59, 52 FR 1836, Jan. 15, 1987; Amdt. 21-60, 52 FR 8043, Mar. 13, 1987; Amdt. 21-65, 54 FR 26695, June 23, 1989; Amdt. 21-68, 55 FR 32860, Aug. 10, 1990]

§21.184 Issue of special airworthiness certificates for primary category aircraft.

(a) *New primary category aircraft manufactured under a production certificate.* An applicant for an original, special airworthiness certificate-primary category for a new aircraft that meets the criteria of §21.24(a)(1), manufactured under a production certificate, including aircraft assembled by another person from a kit provided by the holder of the production certificate and under the supervision and quality control of that holder, is entitled to a special airworthiness certificate without further showing, except that the Administrator may inspect the aircraft to determine conformity to the type design and condition for safe operation.

(b) *Imported aircraft.* An applicant for a special airworthiness certificate-primary category for an imported aircraft type certificated under §21.29 is entitled to a special airworthiness certificate if the civil airworthiness authority of the country in which the aircraft was manufactured certifies, and the Administrator finds after inspection,

that the aircraft conforms to an approved type design that meets the criteria of §21.24(a)(1) and is in a condition for safe operation.

(c) *Aircraft having a current standard airworthiness certificate.* An applicant for a special airworthiness certificate—primary category, for an aircraft having a current standard airworthiness certificate that meets the criteria of §21.24(a)(1), may obtain the primary category certificate in exchange for its standard airworthiness certificate through the supplemental type certification process. For the purposes of this paragraph, a current standard airworthiness certificate means that the aircraft conforms to its approved normal, utility, or acrobatic type design, complies with all applicable airworthiness directives, has been inspected and found airworthy within the last 12 calendar months in accordance with §91.409(a)(1) of this chapter, and is found to be in a condition for safe operation by the Administrator.

(d) *Other aircraft.* An applicant for a special airworthiness certificate—primary category for an aircraft that meets the criteria of §21.24(a)(1), and is not covered by paragraph (a), (b), or (c) of this section, is entitled to a special airworthiness certificate if—

(1) The applicant presents evidence to the Administrator that the aircraft conforms to an approved primary, normal, utility, or acrobatic type design, including compliance with all applicable airworthiness directives;

(2) The aircraft has been inspected and found airworthy within the past 12 calendar months in accordance with §91.409(a)(1) of this chapter and;

(3) The aircraft is found by the Administrator to conform to an approved type design and to be in a condition for safe operation.

(e) *Multiple-category airworthiness certificates* in the primary category and any other category will not be issued; a primary category aircraft may hold only one airworthiness certificate.

[Doc. No. 23345, 57 FR 41368, Sept. 9, 1992, as amended by Amdt. 21–70, 57 FR 43776, Sept. 22, 1992]

§21.185 Issue of airworthiness certificates for restricted category aircraft.

(a) *Aircraft manufactured under a production certificate or type certificate only.* An applicant for the original issue of a restricted category airworthiness certificate for an aircraft type certificated in the restricted category, that was not previously type certificated in any other category, must comply with the appropriate provisions of §21.183.

(b) *Other aircraft.* An applicant for a restricted category airworthiness certificate for an aircraft type certificated in the restricted category, that was either a surplus aircraft of the Armed Forces or previously type certificated in another category, is entitled to an airworthiness certificate if the aircraft has been inspected by the Administrator and found by him to be in a good state of preservation and repair and in a condition for safe operation.

(c) *Import aircraft.* An applicant for the original issue of a restricted category airworthiness certificate for an import aircraft type certificated in the restricted category only in accordance with §21.29 is entitled to an airworthiness certificate if the country in which the aircraft was manufactured certifies, and the Administrator finds, that the aircraft conforms to the type design and is in a condition for safe operation.

(d) *Noise requirements.* For propeller-driven small airplanes (except airplanes designed for “agricultural aircraft operations,” as defined in §137.3 of this chapter, as effective on January 1, 1966, or for dispensing fire fighting materials) that have not had any flight time before the applicable date specified in Part 36 of this chapter, and notwithstanding the other provisions of this section, no original restricted category airworthiness certificate is issued under this section unless the Administrator finds that the type design complies with the applicable noise requirements of Part 36 of this chapter in addition to the applicable airworthiness requirements of this section. For import airplanes, compliance with this paragraph is shown if the country in which the airplane was manufactured certifies, and the Administrator finds, that the applicable requirements of